

Ekl, Williams
& Provenzale LLC

Attorneys and Counselors at Law

McCullough v. ISP Agent Brion Hanley, et al.
ILND Court Number: 2017-cv-050116

Exhibit A

Tracy Stanker

From: Tracy Stanker
Sent: Monday, October 15, 2018 3:22 PM
To: 'Russell Ainsworth'; 'Dierkes, Michael'; 'Elizabeth Ekl'; 'Abraham Corrigan'; 'Aisha Davis'; 'Coward, Kerala T'; 'Daniel M. Noland'; 'Horvat, Timothy'; 'Litfin, Jennifer M'; 'Maria Avitia'; 'Mary Nash'; 'Nakata, Kelly N'; 'Newman, Sarah'; 'Paul A. Michalik'; 'Ruth Brown'; 'Ghazal.Sharifi@seattle.gov'; 'Stephenson, Michael'
Cc: Nemura Pencyla; Patrick Provenzale; tek1@eklwilliams.com
Subject: Campbell deposition

Russell,

I just left you a message. I wanted to discuss with you the location of the DeKalb Defendants' depositions, specifically the deposition of Clay Campbell's deposition scheduled for next Tuesday. As I previously informed you, Mr. Campbell lives in Sycamore and it is an unreasonable burden for him to travel to your office in Chicago for his deposition. Given the distance, traffic, and construction, a conservative estimate is that he would have to travel 4-5 hours round trip to attend the deposition. Mr. Campbell suffered a heart attack last May and is currently on medication for issues related to his heart. It is not medically advisable or practical for Mr. Campbell to undertake 4-5 hours of travel and a seven hour deposition in one day.

The other DeKalb Defendants live in Kane County, which is also a significant distance from your office and at least 4 hours of round trip travel time.

I have previously requested that you depose the DeKalb County Defendants in either DeKalb or Kane County or alternatively, I have proposed that the depositions take place at our office in Lisle. Our office is right off I-88 at Rte. 53, which is about halfway between DeKalb and your office. Conducting the depositions at our office would cause no burden to the Plaintiff or to yourself.

As you are aware, this issue was discussed at our last court appearance but there was no ruling on the issue. Can you please let me know whether you will agree to depose the DeKalb Defendants in either DeKalb County, Kane County, or our office. If not, will you please give me a call to discuss this matter.

If we do not reach an agreement, at least on Mr. Campbell's deposition, I do need to file a motion for protective order by today in order to get it on Judge Johnston's call in advance of the deposition on 10/23.

Thank you,

Tracy

Tracy L. Stanker

Ekl, Williams & Provenzale LLC
901 Warrenville Road, Suite 175
Lisle, IL 60532
(630) 242-8231--Direct Line
(630) 654-0045--Main Office
(630) 654-8318--Fax

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From: Tracy Stanker
Sent: Tuesday, September 25, 2018 5:25 PM
To: 'Russell Ainsworth' <russell@loevy.com>; tekl@eklwilliams.com
Cc: Nemura Pencyla <npencyla@eklwilliams.com>; Patrick Provenzale <pprovenzale@eklwilliams.com>
Subject: RE: McCullough - deposition scheduling

Russell,
Do you have anytime either tomorrow or Thursday morning to discuss this matter?
Thanks,
Tracy

Tracy L. Stanker

Ekl, Williams & Provenzale LLC
901 Warrenville Road, Suite 175
Lisle, IL 60532
(630) 242-8231--Direct Line
(630) 654-0045--Main Office
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From: Russell Ainsworth [<mailto:russell@loevy.com>]
Sent: Tuesday, September 25, 2018 5:09 PM
To: Tracy Stanker <tstanker@eklwilliams.com>
Cc: Dierkes, Michael <MDierkes@atg.state.il.us>; Elizabeth Ekl <eeekl@reiterburns.com>; Abraham Corrigan <abraham@loevy.com>; Aisha Davis <aisha@loevy.com>; Cowart, Kerala T <Kerala.Cowart@seattle.gov>; Daniel M. Noland <dnoland@reiterburns.com>; Horvat, Timothy <THorvat@atg.state.il.us>; Litfin, Jennifer M <Jennifer.Litfin@seattle.gov>; Maria Avitia <mavitia@reiterburns.com>; Mary Nash <mnash@eklwilliams.com>; Nakata, Kelly N <Kelly.Nakata@seattle.gov>; Nemura Pencyla <npencyla@eklwilliams.com>; Newman, Sarah <SNewman@atg.state.il.us>; Patrick Provenzale <pprovenzale@eklwilliams.com>; Paul A. Michalik <pmichalik@reiterburns.com>; Ruth Brown <ruth@loevy.com>; Ghazal Sharifi (Ghazal.Sharifi@seattle.gov) <Ghazal.Sharifi@seattle.gov>; Stephenson, Michael <MStephenson@atg.state.il.us>; Terry Ekl <tekl@eklwilliams.com>
Subject: Re: McCullough - deposition scheduling

Tracy,

We can do Campbell, Trevathan and Engerman on the dates proposed.
We can do Escarcida on 12/13.

We ask that you reconsider your objection to proceeding with these depositions at our offices. As you know, we have traveled to accommodate third parties' travel requests, so we do not object to holding depositions outside our office (or the outside the metropolitan Chicago area) on principle. But for these critical depositions of Defendants to the lawsuit, and given the size of the file in this case, it is important that we are able to access our

files during the Defendants' depositions, because we cannot know in advance all of the documents that we may need. While it may impose a slight burden on the defendants to travel to our office, it is only for one day, and the alternative is that we have to travel for every single Dekalb county defendant's deposition and be hampered by not being as prepared to depose these Defendants as we would at our office. In light of these factors, we would ask that you reconsider your objection to deposing the Dekalb county defendants at our offices.

Best,

Russell

On Mon, Sep 24, 2018 at 4:23 PM Tracy Stanker <tstanker@eklwilliams.com> wrote:

All,

I have spoken to the DeKalb Defendants regarding deposition scheduling. They are available on the following days:

Clay Campbell: October 23rd

Julie Trevarthen: November 1st

Bill Engerman: November 6th

Victor Escarcida: 11/29, 12/7 or 12/13 (due to his trial schedule he is not available on the other dates proposed).

Please let me know if these dates are agreeable to all parties. Russell, please be advised that the DeKalb Defendants object to traveling to your office in Chicago for their depositions. Clay Campbell resides in DeKalb County and the remaining DeKalb Defendants reside in Kane County. Each of the defendants would spend at least 1 ½ to 2 hours of travel each way to attend a deposition at your office. Therefore, I am requesting that the depositions be held in either DeKalb County or Kane County. Alternatively, I propose that the depositions be held at our office in Lisle which is approximately the halfway point between your office and each of the DeKalb Defendants (our office is right off of I-88 at Rt. 53). Please let me know if any of these options are agreeable to you. I am also available to discuss this matter tomorrow or Wednesday.

Thank you,

Tracy L. Stanker

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Attorneys and Counselors at Law

McCullough v. ISP Agent Brion Hanley, et al.
ILND Court Number: 2017-cv-050116

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

JACK D. McCULLOUGH,)	
)	
Plaintiff,)	
v.)	Case No. 3:17-cv-50116
)	
ILLINOIS STATE POLICE AGENT BRION)	Honorable Frederick J. Kapala
HANLEY, et al.,)	
)	
Defendants.)	
)	

NOTICE OF VIDEO DEPOSITION

TO: All Counsel of Record

PLEASE TAKE NOTICE that the following deposition will be taken before a Notary Public and Videographer, on the date, time and location listed below. To the counsel of record for the deponents, this is a demand that you produce the deponent at the date and time listed:

NAME	TIME	DATE	LOCATION
Brion Hanley	10:00 a.m.	October 17, 2018	Illinois Attorney General's Office, 100 W Randolph St 13 Floor, Chicago, IL 60601
Todd Damasky	8:00 a.m.	October 19, 2018	Illinois Attorney General's Office, 100 W Randolph St 13 Floor, Chicago, IL 60601
Daniel Smith	10:00 a.m.	October 22, 2018	Loevy & Loevy, 311 N. Aberdeen, 3 rd Floor, Chicago, IL 60607
Clay Campbell	10:00 a.m.	October 23, 2018	Loevy & Loevy, 311 N. Aberdeen, 3 rd Floor, Chicago, IL 60607

NAME	TIME	DATE	LOCATION
Julie Trevarthen	10:00 a.m.	November 1, 2018	Loevy & Loevy, 311 N. Aberdeen, 3 rd Floor, Chicago, IL 60607
Bill Engerman	10:00 a.m.	November 15, 2018	Loevy & Loevy, 311 N. Aberdeen, 3 rd Floor, Chicago, IL 60607
Victor Escarcida	10:00 a.m.	December 13, 2018	Loevy & Loevy, 311 N. Aberdeen, 3 rd Floor, Chicago, IL 60607

Date: October 15, 2018

Respectfully submitted,

JACK D. MCCULLOUGH

By: /s/ Russell Ainsworth
One of Plaintiff's attorneys

Arthur Loevy
Jon Loevy
Russell Ainsworth
David B. Owens
Ruth Brown
LOEVY & LOEVY
311 N. Aberdeen Street, 3rd Floor
Chicago, Illinois 60607
(312) 243-5900
(312) 243-5902 (Fax)

CERTIFICATE OF SERVICE

I, Russell Ainsworth, an attorney, certify that on October 15, 2018, I served the foregoing Notice of Deposition upon all counsel of record via electronic mail.

/s/ Russell Ainsworth
Russell Ainsworth
One of Plaintiffs' attorneys